



December 13, 2004

Ms. Marlene Kirchner, Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO

RE: Regulatory Impact Report, Effluent Regulations and Water Quality Standards

Dear Ms. Kirchner:

I have reviewed the Department's Regulatory Impact Reports on the above rules. I find the reports lacking because they present little justification for the anticipated changes other than that the Environmental Protection Agency requests them. Sound scientific justification is needed and also a cost versus benefit analysis. This is a serious flaw that must be remedied before proposed rules are published.

The proposed redesignation of waters for Whole Body Contact Recreation shifts the burden of proof for the need for disinfection to the regulated community. This logic is flawed; it is the State's responsibility to determine the need for such regulation through the rule making process and with scientific justification. Scientific justification should include the estimated number of cases of disease that will be prevented by the proposed changes.

The high flow exemption proposal sets the conditions for exempt discharge far too high. The need for such an exemption is economic. It allows municipalities to construct affordable facilities to handle inflow and infiltration (I/I) and industries to treat storm water in an economical manner. The Department and EPA are requiring that I/I be contained within the sewer system and bypasses be stopped. This means that much of the I/I will be transported to the wastewater treatment plant. It is not economical to provide secondary treatment for I/I flows.

The exemption for these types of discharges needs to be for a two year, 24 hour storm. This is particularly justifiable for disinfection requirements, there is no economic justification for providing disinfection of wastewater around the state to protect the few people who may choose to engage in WBCR in high stream flow conditions.

Sincerely,

SCOTT CONSULTING ENGINEERS, P.C.

A handwritten signature in black ink, appearing to read "David Cavender". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Cavender, P.E., DEE